



Docket No.: 1514.1037

SJW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kwan-Hee LEE

Serial No. 10/820,845

Group Art Unit: 2879

Confirmation No. 8679

Filed: April 9, 2004

Examiner: HINES, ANNE M

For: ORGANIC ELECTROLUMINESCENT DISPLAY DEVICE AND FABRICATION METHOD
THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed May 31, 2006, having a shortened period for response set to expire on June 30, 2006.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicant provisionally elects Group I, claims 1-15 and 22-23 in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicant Traverses the Requirement

Insofar as Group II is concerned, it is believed that claims 16-21 are so closely related to elected claims 1-15 and 22-23 of Group I that they should remain in the same application. The elected claims 1-15 and 22-23 are directed to an organic electroluminescent display device or an organic electroluminescent display and non-elected claims 16-21 are drawn to a fabrication method of an organic electroluminescent display device. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both product and method claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the product and method claims, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden

upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

The Applicant respectfully requests the Examiner to consider claims 1-15 and 22-23 (Group I) and 16-21 (Group II) together.

III. Conclusion

Upon review of references involved in this field of technology, considering that the method recited by the Group II claims is directed to a fabrication method of an organic electroluminescent display device, and elected claims 1-15 and 22-23 are directed to an organic electroluminescent display device or an organic electroluminescent display, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In addition, it is believed that all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Reply, please charge the same to our deposit account number 503333.

Should any questions remain unresolved, the Examiner is requested to telephone
Applicants' attorney.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 6/21/2006

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